

REMARKS

In the Second Office Action, Claims 1-31 were rejected. Claims 1-31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fitzgerald (U.S. Patent No. 6,260,049) in view of Pinsky et al. (U.S. Patent No. 5,513,101). Applicant respectfully traverses this rejection with respect to Claims 1-31, as amended, in view of the following arguments.

As an initial matter, applicant notes that the examiner has withdrawn its rejections set forth in the First Office Action, dated September 9, 2004, under 35 U.S.C. §103(a) based on Koritzinsky et al. (U.S. Patent Publication Serial No. 2001/0018659), Evans (U.S. Patent No. 5,924,074) and Roewer (U.S. Patent No. 5,1734,915) in response to the arguments made by the applicant in the Response to the First Office Action, filed January 4, 2005.

With respect to the examiner's rejection of Claims 1, 15, 16 and 17, applicant submits that Fitzgerald and Pinsky do not teach or disclose the "master folder" limitation as described in Claims 1, 15, 16 and 17. More particularly, Claims 1, 15, 16 and 17 recite the display of a representation of a "master folder" that is specifically developed for use as a graphical user interface by radiologists and radiology departments and is a graphical representation of the information in a layout and color scheme that conforms to the layout and color scheme traditionally used on the manual paper folders used by radiologists and radiology departments and adopted by the industry.

In paragraph 4(A) of the Second Office Action, the examiner takes the position that Fitzgerald discloses "using at least one of the monitors to simulate a digital graphical representation of a patient's manual master folder, the digital folder representation specifically designed for use by a radiologist by providing information and links to radiology reports and images in an electronic layout and color scheme of the patient's manual master folder and

tailored to a radiology practice” citing the Abstract, Col. 24, lines 15-67, and Col. 25, lines 10-32. Similarly, the examiner relies on the same citation with respect to the “digital master folder” element in paragraphs 4(O), 4(P) and 4(Q). Applicant respectfully disagrees with the examiner’s interpretation of Fitzgerald with respect to its disclosure of this element.

Fitzgerald discloses a shelf manager system for managing medical record file storage systems for keeping most file sections in the file storage system nearly full but never overflowing. (Col. 2; ll. 37-41). The system performs such file management through computer software that tracks the thickness of each individual file folder stored in the system and the quantity of free space remaining in each shelf section. (Abstract). When occupied shelf space exceeds a threshold percentage (such as 90%) for a shelf section, certain file folders are purged from the shelf section according to the likelihood that certain files will not be requested in the future. (Abstract).

In Columns 24 and 25, Fitzgerald describes two embodiments of the system set forth in Figures 43 and 44. In Figure 43, Fitzgerald discloses the use of a RFID tag on each folder to interact with an RFID reader mounted in the door frame of the door to the file room. (Col. 24; ll. 15-19). As each folder passes through the door frame, the RFID tag and reader identify files moved through the door frame. (Col. 24; ll. 26-30). In Figure 44, Fitzgerald discloses a system for printing on blank file folders using a digital color press or inkjet printer the color coding, the bar code label, and the patient name received from a computer based on patient record information included in the computer database. (Col. 24; ll. 52-56). The file folder substrate upon which the printing occurs is shown in Figure 4.

In contrast, the applicant's system uses a digital representation of a patient’s manual master folder displayed on the computer monitor screen as the graphical user interface for

radiologists and radiology departments to access a patient's information and radiology images. See Figure 1. Furthermore, the digital representation or digital master folder depicts the patient's manual master folder in the layout and color scheme that conforms to the layout and color scheme traditionally used on the manual master paper folders used by radiologists and radiology departments and adopted by the industry. Similarly, the other features of the applicant's system accessible from the digital master folder interface through hyperlinks or digital tabs are all directed to presenting radiologists with important radiology information and images in the formats, configurations and modes familiar to radiologists as shown in FIG. 5 through 13.

The digital master folder feature is critical because it presents information to a radiologist in a layout and color scheme that conforms to the layout and color scheme traditionally used on the paper folders used by radiologists and radiology departments.

Applicant has amended its independent claims, Claims 1, 15, 16 and 17, to further define the "master folder" graphical user interface feature of the present invention.

Accordingly, applicant respectfully submits that claims 1-31, as amended, are patentable over Fitzgerald and Pinsky either alone or in combination and the rejections under 35 U.S.C. §103(a) should be withdrawn. Applicant reserves its right to swear behind any one or more of the references cited by the examiner.

CONCLUSION

Favorable action and allowance of the application as now presented is respectfully requested.

Respectfully submitted,

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